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FACSIMILE COVER SHEET

Deliver to: Allen C. Ho Art Group: 2882
Company Name: USPTO
Facsimile No.: (703) 872-9306 Date: October 28, 2003
From: Joseph Lutz, Reg. No. 43,765
Our Docket No.: 5926P010 Number of pages 7 including this sheet.
Application: 10/022,150 Filing Date: 12/13/2001

Subject

COMMUNICATION re Amendment to Claim 6

Remarks

In accordance with our telephone conversation, attached is a copy of the 3 page Communication, along with copy of postcard, Transmittal Form and Fee Transmittal, which was sent via first class U.S. mail to the PTO, Mail Station AF, on October 27, 2003.

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OCT 28 2003

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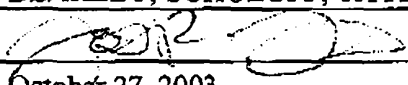
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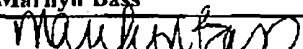
If you do not receive all the pages, or if there is any difficulty in receiving, please call: (310) 207-3800 and ask for Marilyn Bass.

Application No. <u>10/022,150</u>	Filing Date: <u>12/13/2001</u>	BSTZ Docket #: <u>005928/P010</u>	Atty/Sec. <u>ESH/JL/mb</u>
Date Mailed: <u>10/27/2002</u>	Docket Due Date(s): _____	Client: <u>ELKINGTON AND FEE</u>	
Title: <u>X-Ray Diffractometer</u>			
Inventor(s): <u>Fewster, Andrew</u>			
The following has been received in the U.S. Patent & Trademark Office on the date stamped herein:			
<input type="checkbox"/> Amendment (____ pgs)	<input type="checkbox"/> Information Disclosure Statement & PTO/SB/08 (____ pgs)		
<input type="checkbox"/> Appeal Brief & two copies (____ pgs)	<input type="checkbox"/> Issue Fee Transmittal (original & copy)		
<input type="checkbox"/> Application (____ pages, w/ cover & abstract)	<input type="checkbox"/> Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i)		
<input type="checkbox"/> Application Amended to Reflect Claim of Priority	<input type="checkbox"/> Notice of Appeal		
<input type="checkbox"/> Assignment & Cover Sheet (____ pgs)	<input type="checkbox"/> Petition for _____		
<input checked="" type="checkbox"/> Certificate of Mailing	<input type="checkbox"/> Request for Continued Examination (RCE)		
<input type="checkbox"/> Continued Prosecution Application (CPA)	<input type="checkbox"/> Reply Brief (____ pgs)		
<input type="checkbox"/> Declaration & POA (____ pgs)	<input type="checkbox"/> Request to Reconsider Previous Nonpublication Request		
<input type="checkbox"/> Drawings: _____ sheets, _____ figures	<input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter		
<input type="checkbox"/> Express Mail No: _____	<input type="checkbox"/> Terminal Disclaimer		
<input type="checkbox"/> Extension of Time: _____	<input type="checkbox"/> Transmittal of Formal Drawings		
<input checked="" type="checkbox"/> Fee Transmittal (original & copy)	<input type="checkbox"/> Transmittal of Publication Fee Due		
<input checked="" type="checkbox"/> Other: <u>Communication (3 pages)</u>	<input checked="" type="checkbox"/> Transmittal Letter		
<u>Return Receipt Postcard</u>			
LA _____	<input type="checkbox"/> Check No. _____ in the Amount of _____		
Assignee: <u>PANALYTICAL BV</u>	<input type="checkbox"/> Check No. _____ in the Amount of _____		
Foreign Associate's Name: <u>Elkington and Fee</u>			
GZ1208US			

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application No.	10/022,150
		Filing Date	December 13, 2001
		First Named Inventor	Paul F. Fewster
		Art Unit	2882
		Examiner Name	Allen C. Ho
Total Number of Pages in This Submission	6	Attorney Docket Number	5926P010

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.62 or 1.63	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">Communication Return Receipt Postcard</div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Joseph Lutz, Reg. No. 43,765 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	October 27, 2003

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Typed or printed name	Marilyn Bass		
Signature		Date	October 27, 2003

Based on PTO/SB/21 (09-03) as modified by Blakely, Sokoloff, Taylor & Zafman (M/T) 09/11/2003.
 SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1450

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number	10/022,150
Filing Date	December 13, 2001
First Named Inventor	Paul F. Fewster
Examiner Name	Allen C. Ho
Group/Art Unit	2882
Attorney Docket No.	5926P010

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☒ None

☒ Deposit Account

Deposit Account Number

02-2666

Deposit Account Name

Blakely, Sokoloff, Taylor & Zafman LLP

The Commissioner is authorized to: (check all that apply)

- ☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES

Total Claims - 20 = x =
 Independent Claims - 3 = x =
 Multiple Dependent

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	83	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple Dependent claim, if not paid	
1204	86	2204	43	**Reissue independent claims over original patent	
1205	19	2205	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

*or number previously paid, if greater. For Reissues, see below

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	60	2052	25	Surcharge - late provisional filing fee or cover sheet	
2053	130	2053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920	1804	920	* Requesting publication of SIF prior to Examiner action	
1805	1,840	1805	1,840	* Requesting publication of SIF after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	850	2253	425	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	1,210	2255	605	Extension for reply within fifth month	
1404	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	540	2503	270	Plant issue fee	
1430	130	2430	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(a)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	1809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					
* Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$)

SUBMITTED BY

Name (Print/Type) Joseph Lutz

Registration No. (Attorney/Agent)

43,765

Telephone

(310) 207-3800

Signature

Date

10/27/03

Based on PTO/SB417 (04-03) as modified by Blakely, Sokoloff, Taylor & Zafman (w/r) 05/11/2003.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

REPLY UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER 2800

Attorney Ref.: 5926P010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Paul F. Fewster et al.

Serial No.: 10/022,150

Filed: December 13, 2001

For: X-RAY DIFFRACTOMETER

Examiner: Allen C. Ho

Art Group: 2882

COMMUNICATION

Mail Stop AF
Commissioner for Patents
P. O. 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's proposed amendment to Claim 6, Applicants respectfully request entry of the amendments set forth below and consideration of the remarks that follow.

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